

Application No.: 10/806200
Amendment dated: December 14, 2005
Reply to Office action of September 15, 2005

REMARKS/ARGUMENTS

Claims 1 and 8 have been amended to address the objections in paragraph 1, and to overcome the rejection under §112 in paragraph 3.

Claims 3, 5, 7 and 10, which were found allowable, have been rewritten in independent form by incorporation of all of the limitations of the original version of claim 1. The incorporated language has been modified to address the objection and the §112 rejection applied to claim 1.

Claim 5 has also been amended by the insertion of the word "and" between "container body" and "said lid."

Claim 6 has been made dependent on claim 5, and should be allowable for the same reasons that support the allowance of claim 5.

The rejections under 35 U.S.C. §103 are based on Molo in view of Chong and on Sprauer in view of Chong.

Molo describes a sealed food container with a pivotable vent, a pivoted closure is provided in the container lid, that can be flipped open manually when the container is used to heat food. The design of the closure is such that it would not ordinarily be closed when heating is commenced; the closure is normally held closed by detents, and would pop open with a sudden release of steam (and possibly contents) after a pressure build-up.

Sprauer describes a microwaveable container with a steam vent that is normally openable manually by rotation when the container is used for cooking. The valve member is "securely entrapped by the lid so that it is not easily lost" (Sprauer, col. 2, lines 57-58. It might be possible for the Sprauer

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valve to be opened by steam pressure if inadvertently left in its closed condition. However, as in the case of Molo's container, any opening resulting from steam pressure would occur only at a highly elevated pressure, and would be sudden and violent.

Both rejections depend on Chong for a teaching of grooves, and indeed Chong provides grooves 60 (seen in Chong's FIG. 7), which provide gas-releasing paths in a pressure relief system intended as a safety measure to prevent explosion of aerosol cans when exposed to heat. Here, also, the cup-shaped closure 12 is normally held in its closed condition by the engagement of protrusions 18 with the lower part of the edge of an aperture 4 of the aerosol can. The closure 12 opens only when the internal pressure builds up to a level sufficient to overcome the holding force exerted by the edge of aperture 4 on protrusions 18, whereupon the pressure within the can is released suddenly, but at a pressure level below the level at which the can would rupture violently.

In each of the three above-mentioned references, if gas pressure were to cause the closure to open, there would be no possibility for the closure to reclose automatically. In Molo and Chong, automatic reclosure would be prevented by the detents. In Sprauer, the valve body would either separate altogether from the lid, or become caught by frictional engagement of flange 38 with the wall of bore 36.

In contrast, in the case of the present invention, when steam pressure rises in the microwaveable container, the cap automatically shifts upward, and, as there is no detent, the steam pressure only needs to overcome the weight of the cap in

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order to cause the cap to move upward. Moreover, the cap returns automatically to its closed condition when the pressure inside the container falls.

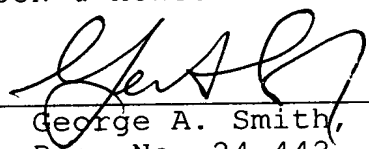
Claim 1 has been amended to recite that the cap is "movable upward relative to the lid by steam pressure whenever the upward force exerted on the cap as a result of the pressure exerted by steam within said container exceeds the weight of said lid, and said cap being free to return to its said lowermost position in the recess when the steam pressure inside the container falls." This language clearly distinguishes the Applicant's invention from any structure that might result from a combination of the teachings of Chong with those of Molo or Sprauer. Therefore, the amended version of claim 1 defines subject matter that is not shown to have been obvious by the teachings of Molo and Chong, or by those of Sprauer and Chong.

The remaining references do not appear to supply any teachings that make up for the above-discussed deficiencies in the references relied upon in the rejections.

Reconsideration of the rejection of claims 1, 2, 4, 8 and 9, and allowance of all of the pending claims, are requested, especially in view of the amendments to claim 1.

Respectfully submitted,
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